

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KITCHEN WINNERS NY INC.,

Plaintiff,

V.

ROCK FINTEK LLC,

Defendant,

Civil Action No. 22-cv-05276-PAE

ROCK FINTEK LLC,

Counterclaim and Third-
Party Plaintiff,

V.

KITCHEN WINNERS NY INC,

Counterclaim Defendant,

and

ADORAMA INC., HERSHEY WEINER,
JOSEPH MENDLOWITZ, JNS CAPITAL
HOLDINGS LLC and JOEL STERN,

Third-Party Defendants.

**DEFENDANT ROCK FINTEK LLC'S RESPONSES TO THE THIRD-PARTY
DEFENDANTS JOSEPH MENDLOWITZ AND ADORAMA INC'S
DEMAND FOR VERIFIED INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure, Rule 33, Defendant / Counterclaim Plaintiff Rock Fintek LLC (“Rock Fintek”), hereby responds to the Third-Party Defendant’s Joseph Mendlowitz (“Mendlowitz”) and Adorama Inc’s (“Adorama”) Demand for Verified Interrogatories as follows:

INTERROGATORIES

INTERROGATORY NO. 1: Identify the names of all witnesses with knowledge of information relevant to the subject matter of this action.

RESPONSE NO. 1: Rock Fintek refers Mendlowitz and Adorama to the Rule 26 initial disclosures served by each of the parties, which include listings of potential witnesses with knowledge of information relevant to the subject matter of this action, and which are incorporated herein by reference. Rock Fintek further states as follows:

Thomas Kato
Bradley Gilling
Alex King (Dimercco Logistics)
Corporate representative of Ascension Health
Corporate representative of Medline, Inc.
Joseph Mendlowitz
Joel Stern
Hershey Weiner
Mendel Banon
Estern Banon
Arik Maimon
Chunrong Li
Anna Grinvald
David Rubin
Jay Sammy
Joel Lefkowitz
Google LLC Custodian of Records

Individuals identified in documents produced by the parties.

Rock Fintek reserves the right to supplement this answer as discovery is ongoing.

INTERROGATORY NO. 2: Identify each category of damages alleged by Rock Fintek LLC against plaintiff Kitchen Winners and against each third-party defendant. For each category of damages, describe the computation of such alleged damages.

RESPONSE NO. 2: Unpaid amounts owed to Rock Fintek, which can be calculated through the documents produced in discovery; Destruction of Rock Fintek's relationship with Ascension, which can be calculated through the documents produced in discovery and potential expert and fact witness testimony. Rock Fintek reserves the right to seek additional categories of damages, including disgorgement and punitive damages as discovery continues.

INTERROGATORY NO. 3: Identify the specific location of each and every pallet of gloves that Rock Fintek purchased from Kitchen Winners and/or Adorama, for which it was not paid by Ascension and/or Medline

RESPONSE NO. 3: Rock Fintek objects to this request as seeking information beyond that which is permitted in interrogatories, pursuant to LR 33.3. Rock Fintek further objects to this request as calling for information outside the possession or control of Rock Fintek.

INTERROGATORY NO. 4: Identify the specific location of each and every pallet of gloves that Rock Fintek purchased from Kitchen Winners and/or Adorama, for which it was not paid by Ascension and/or Medline.

RESPONSE NO. 4: See Response No. 3.

INTERROGATORY NO. 5: Identify the specific location of each and every pallet of gloves that Rock Fintek or its agents picked up from Kitchen Winners and/or Adorama on June 11, 2021.

RESPONSE NO. 5: Rock Fintek objects to this request as seeking information beyond that which is permitted in interrogatories, pursuant to LR 33.3. Rock Fintek further objects to this request as calling for information outside the possession or control of Rock Fintek.

INTERROGATORY NO. 6: Identify each custodian who may possess documents relevant to the subject matter of this action, including pertinent insurance agreements, and other physical evidence, or information of a similar nature.

RESPONSE NO. 6: The following are custodians who may possess documents relevant to the subject matter of this action.

Bradley Gilling
Thomas H. Kato
Shalom Arik Maimon
Anna Grinvald
Hershey Weiner
Joseph Mendlowitz
Mendel Banon
Corporate representative of Ascension Health
Corporate representative of Medline, Inc.

Del Express
Dimerco Express
Google LLC Custodian of Records
David Rubin
Jay Sammy
Joel Lefkowitz
Individuals identified in documents produced by the parties.

Rock Fintek reserves the right to supplement this answer, as discovery is ongoing.

INTERROGATORY NO. 7: Identify the location of all documents relevant to the subject

matter of this action, including pertinent insurance agreements, and other physical evidence, or information of a similar nature.

RESPONSE NO. 7: Rock Fintek does not know the location of all documents relevant to the subject matter of this action. Rock Fintek only knows the location of those relevant documents that are in its own possession. Specifically, documents relevant to the subject matter of this action can be found in the electronic files of Thomas Kato and Bradley Gilling. Relevant documents can likely also be found in the electronic files of the individuals and companies identified in response to Interrogatories Nos. 1 and 6. The gloves at issue in this lawsuit can be located in various warehouses owned and/or operated by Medline Industries, LP and/or otherwise in the possession of Ascension Health, outside of Rock Fintek's possession or control.

Respectfully submitted,

ROCK FINTEK LLC

By its attorneys,

/s/ Phillip Rakhunov

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Certificate of Service

The undersigned certifies that this document is being served on counsel for all parties by e-mail on August 1, 2023.

/s/Phillip Rakhunov